

### **REMARKS**

Claims 1-4, 16-23, 26-28 and 31-34 are currently pending in the subject application and are presently under consideration.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

#### **I. Rejection of Claims 1-3, 16-23, 26-28 and 31-34 Under 35 U.S.C. §103(a)**

Claims 1-3, 16-23, 26-28 and 31-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz, *et al.* (U.S. 5,978,773) in view of Anderson. (U.S. 5,974,396). It is submitted that this rejection be withdrawn for at least the following reasons. Neither Hudetz, *et al.* nor Anderson alone or in combination, teach or suggest all aspects recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.* See MPEP §706.02(j).

The claimed subject matter relates to providing demographic information about a consumer to a product manufacturer *by utilizing data packet information that transfers the information inquiry to the manufacturer*, or by utilizing information transferred *within the web page request*, or by *employing a Domain Name Service to translate Internet Protocol mapping information*, as respectively recited in independent claims 1, 16 and 22. Neither of the cited references teaches nor suggests such features of the claimed invention.

Hudetz, *et al.* relates to a system and method for using identification codes found on ordinary articles of commerce to access remote computers on a network. As conceded by the examiner, Hudetz, *et al.* does not teach providing the demographic information of a consumer to the manufacturer by utilizing the information inquiry or by utilizing information transferred

within the web page request and Anderson is relied upon to overcome such deficiencies. Anderson relates to a method and system for gathering and analyzing consumer purchasing information based on product and consumer clustering relationships; and this reference does not make up for the aforementioned deficiencies of Hudetz, *et al.*

On page 3 of Office Action, it is erroneously contended that Anderson discloses the concept of sending a user's demographic data to a manufacturer utilizing data enquiries. At the cited section, Anderson provides a frequent shopper system which includes retail point of sale subsystem and user interface, consumer application subsystem, consumer purchase repository subsystem (a relational database) and a market analysis subsystem. The consumer application sub system provides a mechanism by which consumers provide demographic and other characteristic information as consumer data to the consumer purchase repository subsystem. Data is characterized by market analysis subsystem and stored in clusters (product or consumer). Consumer and product information retrieved from consumer purchase repository is forwarded to direct marketing subsystem (Col. 6, lines 24-48). Hence, Anderson provides a relational database system which is readily accessible by retailers to effectively target specific consumers with relevant advertisement and promotional work. Relational database system has consumer lists of only those consumers who *purchased* some product and not those consumers list which didn't purchase and only made *product enquiry*. Also *manufacturer needs to access* the relational database in order to collect consumer and product information. However, nowhere does Anderson teach or suggest providing demographic information about a consumer to a product manufacturer *by utilizing data packet information that transfers the information inquiry to the manufacturer*, or by utilizing information transferred *within the web page request*. In fact, nowhere does Anderson teach or suggest a system of transmitting demographic information about the consumer to the product manufacturer *via employing a Domain Name Service (DNS) to translate Internet Protocol (IP) mapping information transferred by the consumer when requesting a web page* as recited in independent claim 22. The claimed invention facilitates utilizing information about a destination computer inherently included in a request for information by employing cross-application of the DNS system to obtain demographic information associated with each query. Hence, the same data packets that transfer the information request from a user are utilized to obtain demographic information about the user *i.e. by utilizing data packet information that transfers the information inquiry to the manufacturer*. This mitigates a need for specific user access code as taught by Anderson in order to

collect demographic information about the user.

On page 7 of the Office Action, although not utilized in a rejection, it is erroneously contended that Johnson (U.S. 5,924,080) discloses the concept of utilizing a computer network for allowing a consumer to send a user's demographic data to a manufacturer utilizing data enquiries. At the cited section, Johnson provides demographics database retrieval information to merchant by the membership provider's computer or accessed directly by the merchant, who is provided with *access codes* and a computer terminal. The membership provider can mail, or electronically transmit, *the requested demographic information* to the merchant on a *prearranged schedule*. The merchant can be provided with 'on call' information which can be accessed at any time. This information can be predetermined information and thus the merchant will have readily accessible information. The merchant can be provided with a list of searchable parameters and be free to arrange the search as desired (*See for e.g. col.4 line 53-col. 6 line 41*). Hence, Johnson provides sending *requested* demographic information to the merchant only and that also *on a prearranged schedule*. Johnson provides demographic information only those merchants which have *access codes* to use the database and the database stores only purchased items information only. Hence, it is clear that Johnson does not teach collecting demographic information about a user *by utilizing data packet information that transfers the information inquiry to the manufacturer* as recited in applicants' independent claim 1 or *by utilizing information transferred within the web page request* as recited in the independent claim 16.

From the foregoing it is clear that Hudetz, *et al.* and Anderson either separately or in combination fail to make obvious the subject claims. Hence, it is requested that this rejection be withdrawn.

## **II Rejection of Claims 4 Under 35 U.S.C. §103(a)**

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz, *et al.* in view of Anderson as applied in claim 1 above, and further in view of Kaplan (U.S. 5,963,916). This rejection should be withdrawn for at least the following reasons. None of the cited references teach or suggest all limitations recited in the subject claim.

Claim 4 depends from independent claim 1 and, as stated *supra*, neither Hudetz, *et al.* nor Anderson teach or suggest all limitations of claim 1 and Kaplan, *et al.* fails to make up for the aforementioned deficiencies. Independent claim 1 recites a method of conveying a consumer's

demographic information to a manufacturer, whereby a scanned bar code of a product can be used to access the manufacturer's website for a product information inquiry and in the process, the demographic information of the consumer can be captured and conveyed to the manufacturer *by utilizing data packet information that transfers the information inquiry to the manufacturer*. Kaplan, *et al.* relates to on-line network web site for interactive preview of a portion of a pre-recorded product by the user but does not teach or suggest providing demographic information about the consumer to the product manufacturer by utilizing data packet information transferred to the manufacturer as a result of the information query, as claimed.

Based on at least the foregoing, none of the cited references teach or suggest all claim limitations. Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP333US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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